

**Agenda  
Bar Harbor Planning Board  
Minutes  
December 6, 2006**

*Members Present: Kay Stevens-Rosa, Chair; Jennifer Booher, Vice-Chair; Sarah Richardson, Secretary*

*Member Michael Gurtler was absent.*

*Also presents were Anne Krieg, Planning Director; Lee Bragg, Esq., Town Attorney; and newly appointed yet not sworn in member Kevin Cochary*

**A. CALL TO ORDER — 5:30 p.m. by the Chair**

Mr. Cochary was introduced by staff to the Board members. It was noted Mr. Cochary would be seated with the Board to become acquainted with the projects and the process.

**II. ADOPTION OF THE AGENDA**

The Board adopted the agenda with no changes.

**III. APPROVAL OF MINUTES**

Minutes for October 19, 2005, November 2, 2005, November 16, 2005, December 7, 2005, January 4, 2006, January 11, 2006, January 18, 2006, February 1, 2006, February 9, 2006, March 1, 2006, March 15<sup>th</sup>, 2006, September 6, 2006, September 14, 2006, and September 20, 2006 were accepted by the Board as the record.

**IV. REGULAR BUSINESS**

- A. Continuation of a Public Hearing – SD 2005 – 13 – Salisbury Woods Subdivision**  
**Project Location:** State Route 3 and Seabury Drive (Bar Harbor Tax Map 207, Lot 32)  
**Applicant:** Tranquility Bond, LLC  
**Application:** division of property into 2 lots, one proposed for 13 dwelling units in a condominium

Perry Moore, Landscape Architect, representing the interests of the applicant, presented the revised drawing.

Ms. Booher continued to express difficulties with allowing a dwelling units to be added to this development without the provision of a second access.

John Kelly, an abutter to the project, expressed concern that the provision in the restrictions for the condominium did not have a tree cutting prohibition in them anymore. He also indicated the road improvements should have the road taper to the existing road. He also noted the Board should require minimal tree cutting to place the fire pond.

Perry Moore indicated to the board that the final number of units is predicated upon the provision of adequate water. The Board can condition each well to have 350 gallons per day if necessary, to repeat the current requirement. He also noted there were no street lights or signs as part of this application. He agreed that the road should be tapered. He also noted again that the road is not non-conforming, previous Planning Boards had approved the road.

It was noted that Lot 1 will take its access from Seabury Drive.

Mike Ross, Esq. attorney for the applicant discussed the Condominium Association with the Board and staff.

It was agreed that the applicant would make improvements to the road as part of their application.

The Chair discussed the shape of the pond with the applicant, questioning why it was so rigid in shape.

Mr. Kelly and Ruth Calas repeated concern about tree cutting. Perry Moore responded that filing of a lawsuit caused the requirement to be lifted.

Mr. Ross noted that the road upgrade is necessary for the project. He also noted the value of the project is dependent upon keeping as much forested growth as possible.

Ms. Booher discussed the lack of a second entrance with the applicant. After discussion, it was noted that the second entrance does not provide an adequate relief to the development. The second entrance would be too close to the other entrance. The Chair and Ms. Richardson agreed to this summation.

Ms. Krieg discussed the improvements to the roadway. The improvements should go to the edge of the property's frontage. Coordination will be necessary for the completion of the improvements and the construction and occupancy of the dwelling units.

Mr. Kelly questioned the signage and the lighting to the Board. He also questioned if 13 units is too much for the site if modifications of standards are necessary.

It was noted the signage and street lighting would be a minor site plan modification; however the applicant noted they do not want to have lighting for the development. The applicant also noted they can meet the standards of the ordinance; however this arrangement of units provides a buffer to the neighborhood.

The Board discussed the method of deliberations and public hearing to finalize the decision for the application.

Staff requested direction from the Board on the modifications of standards. The Board felt they could continue to deliberations for the 20<sup>th</sup> of December and close the public hearing. They noted they could open the public hearing on the 20<sup>th</sup> of December if necessary. A draft of the decision will be prepared by staff and circulated.

***Ms. Booher moved, with a second by Ms. Richardson to close the public hearing. All were in favor.***

**B. Completeness review and possible public hearing– PUD-2006-1, Ocean Drive Motor Court**

**Project location:** 1 Schooner Head Road, Bar Harbor Tax Map 115, Lot 24

**Applicant:** Chip Bond, represented by Carla Haskell of Design Group Collaborative

**Application:** Change of use from transient accommodation to Planned Unit Development – Village to convert 26 existing units into condominiums, with structural and interior renovations to motel buildings and cabins, creation of a parking area, removal of paved areas, and installation of new underground utilities.

Carla Haskell, architect for the applicant, reviewed previous submissions. The deed restrictions are under review by the Town Attorney. Department sign off's have been coordinated by staff.

Perry Moore, representing the interests of an abutter, Christine Witham, reviewed a letter sent to and received by the Planning Department on December 6, 2006. This letter was discussed at length between the Board, staff, the applicant and Mr. Moore.

After lengthy discussion, it was decided the applicant would provide the following documents:

1. Detail of the sidewalk
2. Easement documentation
3. Information on traffic about trips per day comparison between the uses of transient accommodation and multi-family housing
4. Cost estimates
5. Roof runoff calculations

***The Board directed the applicant that the application would be placed on the agenda for a public hearing upon receipt of these items.***

*The Board took a 15 minute break.*

**C. Public Hearing – SD 2005 – 14 Black Dog Road**

**Project Location:** Black Dog Road (Bar Harbor Tax Map 236, Lot 7)

**Applicant:** Charles Bishop, represented by Michael Woodard

**Application:** 1 lot subdivision off existing private way

The Board discussed at length with the applicant the buffers and optional building sites with the applicant.

There was a consensus for a no cut zone to be provided.

***Ms. Richardson moved to close the public hearing. Motion seconded by Jennifer Booher. All were in favor.***

***Ms. Booher moved to approve the application with the condition on a no cut zone along the southern portion of the property. Motion seconded by Ms. Richardson. All were in favor of the motion.***

**D. Completeness Review – SD 2006-7 Nunes**

**Project Location:** Knox Road (Bar Harbor Tax Map 220, Lot 79-1)

**Applicant:** Nourival Nunes

**Application:** 3 lot subdivision off an existing public way

There was a discussion on the connectedness of the wetlands and the protections in the buffer zones.

***Ms. Booher, with a second by Ms. Richardson, moved to find the application incomplete pending receipt of easement language. All were in favor of the motion.***

**The Board conducted an agenda review, and directed the following Sandy Lane application to be continued to December 20, 2006.**

**E. Completeness review – Sandy Lane**

**Project Location:** end of Sandy Lane (Bar Harbor Tax Map 213, Lot 35)

**Applicant:** Bar Harbor Housing Authority

**Application:** 3 lot subdivision by extending an existing private way

**F. Completeness Review – SP 2006-5 Harborside**

**Project Location:** West Street (Bar Harbor Tax Map 104, Lot 10)

**Applicant:** Golden Anchor, LLC

**Application:** expand the existing pier, reconstruct and expand a building on the property to accommodate a mixed use development, increase the height of an existing granite block retaining wall adjacent to the shore, and construct a pedestrian access between the wall and the building, from West Street to the existing pier

Perry Moore, representing the applicant, noted for the record that the application is to expand the pier and add a building only. The other elements listed above were approved as a minor site plan application. Staff will verify with the record.

He also indicated there were security issues with providing the Board with a full set of building plans as required in the ordinance. They are waiting to hear from the Coast Guard. Staff will be able to review the plans. The Board discussed the relevance of this at length.

Staff discussed how this application will be coordinated with the Waterfront Master Plan and how West Street will accommodate bus trip queuing. The plan needs to show how buses can be circulated on-site and how parking is displaced with those buses.

The purpose of the building, as outlined by the applicant, is to accommodate approximately 420 people coming onto and off tour boats. It is designed for the Atlantica. Discussion continued as to whether the building is also for screening cruise ship tenders.

It was noted the building would have to be sprinkled for fire protection. Maine Department of Environmental Protection (DEP) is reviewing the application. The Design Review Board will also review this application; their Certificate of Appropriateness is required prior to the issuance of a decision for the site plan.

Ed Damm, an abutter to the property, raised several issues as to the legality of the seawall, the building to be placed on the street line, and restoration of disturbed eelgrass.

Ms. Booher raised issues regarding the proposed building. She also noted the grading of the wall may be inaccurate.

The Board agreed that the layout of the building was important as part of the Board's review of the application. Staff was directed to follow up with a letter requesting the building plans.

Staff Department reviews also need to be finalized. Cost estimates need to be finalized.

***Ms. Booher moved to grant the waivers as requested. Motion was seconded by Ms. Richardson. All were in favor.***

***Ms. Booher moved to find the application incomplete. Motion seconded by Ms. Richardson. All were in favor of the motion.***

**G. Sketch Plan Review – SD 2006-21 - Mill Brook Road – White**

**Project Location:** Mill Brook Road (Bar Harbor Tax Map 229, Lot 23)

**Applicant:** Everett and Ann White

**Application:** 7 lot subdivision on existing private way and on the creation of a new private way

Perry Moore, representing the applicant, reviewed the submitted application for the Board.

Wetlands' locations and tree removal will be reviewed at the site visit.

Waivers were discussed.

Mr. Davis reviewed some of the neighborhood concerns that was provided to the Board at the meeting and is in the application files.

Board members and staff reviewed the subdivision review process for the members of the audience. A neighborhood meeting will be scheduled.

The abutters are also concerned that this development will be a gateway to provide access for further development in an abutting property to the rear.

***Ms. Booher, with a second by MS. Richardson, moved to grant the requested waivers. All in favor of the motion.***

## **V. OTHER BUSINESS**

### **A. Determination of major or minor application for the Jackson Laboratory**

The Board directed that this proposed development is a major site plan application.

### **B. Possible acceptance of new Bar Harbor Neighborhood District map**

The Chair signed the map showing neighborhood district lines.

### **C. Discussion of Land Use Ordinance amendments for June 2007 Town Meeting**

Staff reviewed concepts and the Board agreed to them in concept. Final language will be provided by staff.

## **VI. PLANNING DIRECTOR'S REPORT**

### **A. Comprehensive Plan update**

The next joint meeting of the Planning Board and the Town Council had been set for December 19, 2006; changed due to scheduling needs of staff.

## **VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

Staff reviewed the agenda for the next meeting.

## **VIII. ADJOURNMENT - 9:30 PM**

*Application materials are on file with the Bar Harbor Planning Department, 93 Cottage Street, Bar Harbor, and can be viewed during regular business hours, Monday-Friday, 8:30 a.m. to 5:00 p.m.*

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Jennifer Booher, Secretary  
Secretary, Bar Harbor Planning Board

Date

Video DVD's of this meeting are available upon request from the Planning Department